

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RONALD J. CAMPBELL, JR., and
KRISTIE CAMPBELL,

Plaintiffs,

v.

ALTEC INDUSTRIES, INC., et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO.
1:08-CV-0810-JOF

OPINION AND ORDER

The instant matter is before the court on Plaintiffs’ Motion for Reconsideration [54] and the parties’ Joint Notice of Motion to File Deposition Transcripts Under Seal [53].

In our court system, there is a presumption in favor of open courts and in favor of allowing both the parties and the public to know what information the court has relied upon in deciding a matter on the merits. As such, this court does not allow documents to be filed under seal unless the party so filing makes a substantial justification for doing so, and this court has adopted a unique mechanism for resolving requests to file documents under seal. This mechanism is memorialized on page two of this court’s revised case instructions in the section entitled “Protective Orders and Documents Filed Under Seal.”

The parties have filed numerous motions in an effort to ensure that the 30(b)(6) Depositions of Defendants Altec Industries, Inc., and Texas Hydraulics, Inc., and the allegedly confidential trade secret information they contain do not become part of the public record. In the parties' most recent Joint Motion they request that the court seal the entire depositions on file with the court but allow them to file excerpts from these depositions unsealed in their summary judgment pleadings. The parties' request arises out of their desire to comply with Local Rule 56.1(C) which states, "when a portion of a deposition is referenced and submitted [in a Motion for Summary Judgment], then the party in custody of the original of that deposition shall cause the entire deposition to be filed with the Court." The purpose of L.R. 56.1(C) is to ensure that parties do not take deposition excerpts out of context and use them incorrectly to support their arguments.

Here, in response to the parties' confidentiality concerns, the court will waive the requirements of L.R. 56.1(C). The court will rely upon the adversarial process to ensure that any deposition excerpts submitted in support of a motion are accurate in the context of the deposition as a whole. The parties' *in camera* Joint Motion to File Deposition Transcripts Under Seal and the Plaintiff's Motion for Reconsideration are DENIED as moot. The Clerk of Court is ordered to UNSTRIKE filings [44-4, 44-5, and 44-6] stricken in the court's December 15, 2008 Order and to restore them to the docket.

IT IS SO ORDERED this 19th day of February 2009.

s/ J. Owen Forrester

J. OWEN FORRESTER
SENIOR UNITED STATES DISTRICT JUDGE